

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
07/21/2011		
Emergency Status Approved		Document Number
_ -Yes _ -No		Date of Publication in MD Register
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

10 19 03 13

2. Name of Promulgating Authority

Department of Health and Mental Hygiene

3. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

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4. Name of Person to Call About this Document

Telephone No.

Email Address

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5. Check applicable items:

☒- New Regulations

☐- Amendments to Existing Regulations

☐- Repeal of Existing Regulations

☐- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: ASAP

Date Requested for Emergency Status to Expire: 180 days

7. Agency Will Take the Following Action on These Regulations

☒- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126

☐- Allow them to expire

8. Is there proposed text which is identical to emergency text:

☒- Yes ☐- No

If yes, corresponding proposed text published in:

☐- same issue

☒- future issue

☐- previous issue; it appeared in

: Md. R

(vol.) (issue) (page no's) (date)

Under Maryland register docket no.: --E.

9. Check the following item if it is included in the attached document:

☐- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

10. Reason for Request for Emergency Status

The purpose of this emergency action is to ban the sale, distribution, and possession of 3,4 – Methylenedioxypyrovalerone (MDPV);, 4 – Methylmethcathinone (Mephedrone, 4-MMC), 3,4 – Methylenedioxymethcathinone (Methylone, MDMC), 4 – Fluoromethcathinone (Flephedrone, 4-FMC), 3 – Fluoromethcathinone (3-FMC), and 4 – Methoxymethcathinone (Methedrone, bk-PMMA, PMMC) - generically known as "bath salts" - by adding them to the list of Schedule I controlled dangerous substances.

This emergency action is being requested because these drugs pose an imminent hazard to the public safety of the citizens of Maryland. Prior to this regulatory action, the Department created a webpage and solicited public comments regarding this issue. In addition, and as required by law, the Department has considered the factors listed in Criminal Law, §5-202(c), Annotated Code of Maryland. In accordance with Criminal Law, §5-202(d), the Department has developed a report outlining its findings and the Secretary has ordered that these substances do have a

potential for abuse. All of this information may be found on the DHMH website (<http://www.dhmh.state.md.us/news/bathsalts/index.html>).

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Kathleen A. Ellis, Assistant Attorney General, (telephone #410-767-1867) on July 20, 2011. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Joshua M. Sharfstein, M.D.

Title

Secretary

Telephone No.

410-767-6500

Date

July 21, 2011

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

10.19.03 Controlled Dangerous Substances

Authority: Criminal Law Article, §5-202(b) and 5-203, Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulation .13 under COMAR 10.19.03 Controlled Dangerous Substances.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2012

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This amendment adds drugs to the list of controlled dangerous substances and creates no economic impact.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

See E. above.

G. Response to small business worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 19 DANGEROUS DEVICES AND SUBSTANCES

10.19.03 Controlled Dangerous Substances

Authority: Criminal Law Article, §5-202(b) and 5-203, Annotated Code of Maryland

ALL NEW

.13 Additional Controlled Dangerous Substances - Schedule I.

The following substances, also known as "bath salts", are added to the Maryland Controlled Dangerous Substances Act, Schedule I of the Criminal Law Article, §5-402, Annotated Code of Maryland:

- A. 3,4 – Methylenedioxyprovalerone (MDPV);
- B. 4 – Methylmethcathinone (Mephedrone, 4-MMC);
- C. 3,4 – Methylenedioxymethcathinone (Methylone, MDMC);
- D. 4 – Fluoromethcathinone (Flephedrone, 4-FMC);
- E. 3 – Fluoromethcathinone (3-FMC); and
- F. 4 – Methoxymethcathinone (Methedrone, bk-PMMA, PMMC).

END NEW